

TEXAS JUVENILE PROBATION COMMISSION BOARD MEETING

**November 19, 2010
Brown-Heatly Building
Austin, Texas**

COMMISSIONERS PRESENT

Ray West, Chair
Jean Boyd
Migdalia Lopez
Billy Wayne McClendon
Scott O'Grady
Bob Shults

COMMISSIONERS ABSENT

Will Conley
Rene Ordoñez
Lea R. Wright

TJPC MANAGEMENT STAFF PRESENT

Vicki Spriggs, Executive Director
Lisa Capers, Deputy Executive Director and General Counsel
Bill Monroe, Chief Financial Officer
Kristy Almager, Staff Services Manager
Denise Askea, Director Non-Secure Facilities & Special Programs
Linda Brooke, Director External Affairs, Policy Development, Behavioral Health
Annie Collier, Deputy Chief Financial Officer
Kevin DuBose, Director Abuse, Neglect & Exploitation
Scott Friedman, Director Field Services
Jim Southwell, Director Management Information Systems
Genovia Spencer, Human Resource Manager

TJPC STAFF PRESENT

Paul Anderson
Amy Bailey
Katie Branch
Linda Brown
Luis Guerrero
Rachael Kapur
Diane Laffoon
Frank Mata
John Posey
Karen Roe
Bill Smith
Michael Suda
James Williams (ex-contract employee)

1. Call to Order – R. West

Commissioner Ray West called the board meeting of the Texas Juvenile Probation Commission to order at 9:15 a.m.

2. Excuse Absences – R. West

A **motion** was made by Commissioner Boyd and **seconded** by Commissioner Shults to excuse the absence of Commissioners Conley, Ordoñez and Wright. Motion passed unanimously.

3. Approval of Minutes from September 17, 2010 Board Meeting – R. West

A **motion** was made by Commissioner Shults and **seconded** by Commissioner McClendon to approve the minutes as presented. Motion passed unanimously.

4. Update on Fiscal Year 2011 Expenditures – B. Monroe

The new fiscal year began on September 1, 2010. The Commitment Reduction Program (Grant C) is at 20% expended rather than 25% because funds have been set aside from counties who have chosen not to take Grant C funds, which will be sent back to the treasury.

The Diversionary Fund (Grant H), Intensive Community Based Program (Grant X) and Intensive Community Based Program Pilot (Grant U) show a higher percentage expended because those grants are disbursed quarterly. Small County Diversionary (Grant R), Title IV-E Contract (E) and JJAEP Statutory (P) are reimbursement grants thus the low expended percentage rate. That percentage will change as the year progresses.

Most of the Administrative budget categories are reimbursements and that is why the percentages seem low. The exception would be salaries which are slightly under the target range. Because of some of the financial difficulties the state is having at this time, the Commission is still running the Administration budget at 3.5% of the total, which is very good compared to many of our peers.

The Legislative Budget Board (LBB) has confirmed that a second round of reductions is coming for all of the Texas agencies. At this time they are not clear whether it will be at the lower end, perhaps at 2% more, or at the higher end, which is more like 3%. Our budget already planned for a reduction this year of about 2.5% and this would be on top of that. \$3.5 million is already planned to be set aside in our budget now, so all together the reduction could be as low as \$6.5 million, or as high as \$8 million.

No action was required for this item.

5. Presentation and Discussion of Agency's Annual Internal Audit and Management Responses – R. Gonzalez

This is the Annual Internal Audit Report for the Texas Juvenile Probation Commission. This report includes all the different audits that this Commission approved Garza and Gonzalez and Associates to undertake. There are follow up reports on the Sunset Advisory Commission and the State Auditor's Office (SAO). The Sunset Commission came out with 22 observations in 2009 and we looked at each of those. The SAO's Report was issued in 2007 and they had 25 observations. We narrowed those down to 12 that are ongoing and followed up on the subsequent year to assure they have been at least partially implemented.

A review was also done of the findings from Garza and Gonzalez's audits from 2007, 2008 and 2009. The Sunset Commission has about five findings that were carried forward to this report. Four are still ongoing and one will not be implemented. Out of the 25 recommendations from the SAO's report, 12 have been fully implemented, six are substantially implemented and two are still ongoing. Also, nine out of the 2009 report are still in here. Some are still ongoing, and will be followed up in the subsequent year and will be brought back to the Commission Board.

This is a very detailed report, taking all of the recommendations and reviewing what staff has done, and we feel comfortable with the status at this point in time with the recommendations and findings and management's responses. We get direction for this plan from you, the Commission Board. This is the Annual Report that goes to the Governor's Office, State Auditor's Office, the Legislative Budget Board (LBB) and the Sunset Advisory Commission. This report was due on November 1st and we did meet the deadline, it has been submitted but still needs to be accepted by this body. It is also important to note that Garza and Gonzalez was

not restricted in any way or fashion, and the Commission staff cooperated in providing whatever we needed in a timely basis and we were able to conduct the audit efficiently.

A **motion** was made by Commissioner Lopez and **seconded** by Commissioner McClendon to approve the agency's Annual Internal Audit Report and management responses. Motion passed unanimously.

6. TJPC Advisory Council Update – E. Medina

The Advisory Council Chair, Estela Medina introduced council members Jane King, Randy Turner and Mark Williams. The council represents all regions of Texas and they met in Austin this week with the Probation Work Group. Work has been ongoing with all the regions regarding the funding formula. Part of that discussion was about performance indicators, the efficiency of all the programs and continuing to reduce commitments to the Texas Youth Commission (TYC).

The regions looked at creating inventories of different programs and services that are available as well as identifying some of the gaps. Resolutions have been received from all of the regions in support of funding recommendations we have made, and for the use of Grant C funds providing the opportunity to serve kids at the local level.

In fiscal year 2010 the total commitments statewide to TYC were 1,119. We continue to be committed to keeping kids at the local level and to provide services to them. Funding is critical for us to be able to do that. Members of the Advisory Council were invited to provide testimony at the House Corrections and Subcommittee on Appropriations meeting on behalf of the Advisory Council, The Texas Juvenile Probation Commission (TJPC) and the TJPC Board and many of our field representatives.

A copy of the Sunset Report was received by the Council who will continue to work with Ms. Spriggs and her staff, and to see what considerations there may be that the field can assist with.

At their last meeting the Advisory Council previewed a presentation of the Juvenile Case Management System (JCMS) and said they believe it will add a lot of value to the work that they do. The system will provide many tools, and many opportunities to track data related to juveniles, cases and case plans and the interest is statewide. It also creates the opportunity to generate reports that are very important. The Advisory Council is scheduled to meet again in December and will continue to work on many of the areas that have been identified this morning.

No action was required for this item.

7. Variance Committee Report – J. Boyd

a. Review, Discussion and Possible Action Regarding Harris County Juvenile Probation Department's Application for Permanent Variance from Title 37 Texas Administrative Code Section 343.600(6) Relating to Required Pre-Admission Records (tuberculosis testing)

The Variance Committee recommends that the request for a permanent variance be denied. This recommendation is based on the review of the authorization criteria.

A **motion** was made by Commissioner Boyd and **seconded** by Commissioner Lopez to deny the permanent variance requested by Harris County related to required pre-admission records (tuberculosis testing). Motion passed unanimously.

b. Review, Discussion and Possible Action Regarding Harris County Juvenile Probation Department's Application for Permanent Variance from Title 37 Texas Administrative Code Section 343.688(a) Relating to Initial Residential Case Plans

The Variance Committee recommends that the permanent variance requested by Harris County related to initial residential case plans be approved with the following stated conditions:

1. This variance is specific just to the Burnett-Bayland Reception Center's (BBRC) Assessment Unit, and not any of the other Harris County post-adjudication programs;

2. That BBRC does attempt to complete the assessment evaluation periods in the quickest possible time, no longer than six weeks total. At the end of the six weeks, they would complete that evaluation process or the conditional variance will not apply.

A **motion** was made by Commissioner Boyd and **seconded** by Commissioner Lopez to approve the permanent variance requested by Harris County related to initial residential case plans with the above stated conditions. Motion passed unanimously.

c. Review, Discussion and Possible Action Regarding Dallas County Juvenile Probation Department's Application for Permanent Variance from Title 37 Texas Administrative Code Section 343.266(a) Relating to Resident Bedding Substitutions

The Variance Committee recommends that the permanent variance requested by Dallas County related to resident bedding substitutions be tabled to a future board meeting.

A **motion** was made by Commissioner Boyd and **seconded** by Commissioner Lopez to table the Dallas County application for permanent variance relating to resident bedding substitutions to a future meeting. Motion passed unanimously.

8. Update on Allegations of Abuse, Neglect and Exploitation for Fiscal Year 2011– K. DuBose

This report is from the new fiscal year 2011 through October, so the data is fairly sparse at this point. There have been 81 abuse and neglect allegations and as in previous fiscal years, the majority of allegations originated from pre- and post-secure facilities, and the vast majority fall under Physical Abuse, Physical Restraint, and Physical Non-Restraint.

Allegations are down 17% from this time last year for Abuse and Neglect and up by 19% from this time last year for Serious Incidents reported. The spike in 2008 may have been the result of a significant training effort by the ANE Division to get local jurisdictions aware of reporting requirements, defining abuse and neglect, and overall awareness in the field of reporting. Some of the reductions we've seen in 2009 and 2010 may be the result of the direct reporting call line.

While it can be cumbersome at times, the investigators have a rotation schedule. In no way it has inundated us to a point where we can't function as a division, which was the fear of some folks that were not in favor of the call line and so we are pleased.

No action was required for this item.

9. Discussion and Possible Approval of Amendments Made to Chapter 341 Related to Texas Juvenile Probation Commission Standards and Juvenile Probation Officers Authorized to Carry Weapons in the Course of Their Official Duties for a Second Publication in the Texas Register for an Additional 30-day Public Comment Period – K. DuBose

This relates to Senate Bill 1237 which allows juvenile probation officers (JPO's) to carry firearms if they are authorized to do so. Some concerns were expressed related to this legislation to insure that the folks who want to carry firearms are subject to rules that will provide the safest possible situation. The changes involve 341.84, 341.85, 341.86 and 341.87.

Previously in 341.84 there was no minimum training, so that was amended to read a minimum of 20-hours of training in the use of an empty-hand defense tactic as part of the training process. Most of the training programs available on this type of tactic range from 20-30 hours. The pressure point control tactic (PPCT) is most often trained in the law enforcement community. That particular tactic is required over a 30-hour course but can be modified to eliminate some of the intermediate tactics. That was left at 20 hours to allow the local jurisdictions a choice of different techniques with different prices.

The next change requires that the Chief Juvenile Probation Officer (CJPO) or designee conduct an internal investigation in all use of force incidents ranging from empty-hand tactics to intermediate weapon incidents to a deadly force incident. That is under 341.85(f) and (g) and the person that engages in a use of force incident i.e., the juvenile probation officer would have to be suspended or placed on administrative leave, or placed in a position having no contact with kids pending the conclusion of the internal investigation.

Chapter 341.86 is the requirement that the process for conducting an internal investigation be written and defined in policy and procedures. Finally, under 341.87 the Commission now requires that any use of force incident be reported to the Commission within four hours and to local law enforcement within one hour. That can range from empty-hand tactics, to use of force all the way up to deadly force.

Commissioner McClendon expressed concern that in no way would he want a juvenile probation officer or public official put in harm's way, but said that the Commission needs to do a good job and make sure that the doors are closed and that the officers go to training. That they get intermediate weapons and that deadly force will be a last resort is a good idea, but this needs to be looked at very closely and that is his main concern.

Based on the calls received by the Commission the majority of jurisdictions who indicated interest are mostly rural jurisdictions, smaller probation departments in some of the outlying areas, about 15 jurisdictions. If a JPO senses potential danger going into an area, ideally they would be accompanied by law enforcement but some of the smaller rural jurisdictions may have a harder time getting law enforcement to assist them because the jurisdiction is so vast.

The actual firearm training curriculum is a 40-hour course that each person who would carry a firearm would have to go through before being issued a certificate to carry. In addition to that, there are other training requirements that have been imposed statutorily, relating to the empty hand tactics which is a minimum of 20-hours. They also have to be trained in whatever intermediate weapon that they would choose to carry such as Oleoresin Capsicum (OC) Spray or a Taser.

Then there is a continuing education requirement under 341.89(d) Training and Qualification which is 20-hours of training. The type of training is anything related to empty hand defense, legal use of firearm, or weapon retention which is extremely important. Training relevant to the specific responsibility of carrying a firearm is what is required. The training related to empty-hand tactics is very specialized, using striking techniques and gross motor movements that would allow somebody to function in a high stress environment without resorting to deadly force.

Commissioner West asked for clarification that in the continuing education requirement it is required, not only in the use of firearms, but it has to include the open-hand defense training, it's not an either or, it's these are the things that the continuing education has to have.

The continuing education has to include one of the mentioned areas of the standard. With empty-hand defense, there is no requirement that they have to be re-certified in an empty-hand every two years, but we try to give some latitude while within a certain realm in terms of what type of training they can get. With this requirement we want the training to be specific to the responsibility of carrying a firearm.

Commission staff is now asking for a second publication in the Texas Register for another 30-day public comment period.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner O'Grady to approve the amendments made to Chapter 341 for a second publication in the Texas Register for another 30-day public comment period. Motion passed unanimously.

10. Discussion and Possible Approval of Amendments Made to Chapter 343.249(a)(4) Related to Senate Bill 1237 and Provisions to Prevent Firearms from Entering the Secure Area of Secure Juvenile Detention and Correctional Facilities for Final Publication and Adoption in the Texas Register – K. DuBose

This also relates to Senate Bill 1237 and this standard creates a bright line prohibition against firearms being in a secure environment. In Chapter 343 for the purpose of internal security and the protection of staff as well as the residents that everyone must understand including our juvenile probation officers that firearms under no circumstances will be admissible in a secure environment.

When law enforcement brings a juvenile into a secure facility, they check their weapons into a secure area before actually entering the facility and the same expectation would be in place for juvenile probation officers. The results can be catastrophic if a juvenile were to obtain possession of a weapon that was brought into a secure environment.

A **motion** was made by Commissioner Lopez and **seconded** by Commissioner O'Grady to approve the amendments made to Chapter 343.249(a)(4) for final publication and adoption in the Texas Register. Motion passed unanimously.

11. Discussion and Possible Action on Amending Title 37 Texas Administrative Code Chapter 348 Juvenile Justice Alternative Education Program for Initial Publication in the Texas Register – P. Anderson

Most of the changes that were made to the Chapter 348 Standards of the Texas Administrative Code (TAC) are just for clarification and some are due to the Compliance Resource Manual (CRM). Some items under the discussion and interpretation section of the CRM are requirements, so those were put into the standards.

There are also changes to the caseworker to student ratios, now there is more flexibility. There are JJAEP's that have multiple sites and they wanted standards that were more flexible since they had caseworkers who would float from site to site and that has been addressed. Also the Abuse, Neglect and Exploitation (ANE) Subsection has been moved over to the Texas Administrative Code Chapter 358.

Some of the newer information is for the kids that are in intense physical activity programs. In the past we didn't have much more than requiring physicals. We're not regulating it, but now we're giving some guidelines to look at when you take kids outside in cold weather or in extreme heat. And now the physicals that they have to give correlate with the University Interscholastic League (UIL) requirements for student athletes.

This draft was sent out on September 24th to all the JJAEP Administrators and the Chiefs. They also got copies which showed the language that was being changed so that they could compare it and positive feedback was received, some items could be addressed in the CRM but some good changes were made to the Standards as well. A definition of intense physical activity was added, which was requested. It has always been Commission policy to have ongoing feedback from the field during the entire process of developing standards.

A **motion** was made by Commissioner West and **seconded** by Commissioner O'Grady to approve the Chapter 348 Juvenile Justice Alternative Education Program for initial publication in the Texas Register. Motion passed unanimously.

12. Discussion and Possible Approval of Title 37 Texas Administrative Code New Chapter 355 Related to Non-Secure Juvenile Correctional Facilities for Initial Publication in the Texas Register – J. Williams

James Williams, Chief Juvenile Probation Officer from Brown and Mills County, who worked at the Commission this summer, presented this item. This was required by House Bill 3689. Mr. Williams thanked Luis Guerrero, Amy Bailey, Rachael Kapur and Linda Brooke for helping him through the process of writing this standard. Before this there were no standards for the non-secure juvenile correctional facilities.

Staff requests that the Board approve the New Chapter 355 for initial publication in the Texas Register for a 30-day public comment period.

A **motion** was made by Commissioner O'Grady and **seconded** by Commissioner McClendon to approve the New Chapter 355 for initial publication in the Texas Register. Motion passed unanimously.

13. Discussion and Possible Approval of Amendments Made to Chapter 349 Related to General Administrative Standards for Final Publication in the Texas Register – K. Roe

This item is a proposal for amendments to Subchapter 349 which deal with the disciplinary proceedings as they relate to certified juvenile probation and supervision officers. Our intent with the amendments that we published a few months ago was to add specific provisions that would talk about the disciplinary guidelines and committee procedures and make the process more transparent for everyone. After those were published we received two public comments from the Smith County Juvenile Probation Department.

The comments were to the Standard 349.300 relating to code of ethics violations on the part of certified officers when they're reported to the department. Code of ethics violations are violations that are against agency standards that do not constitute abuse, neglect or exploitation which are forwarded under a separate process.

The first comment just questioned whether there was a need to forward every investigation to the Commission even if no code of ethics violation was found and the answer to that is no, if they didn't prove that any violation occurred, then there's no need to forward.

The second comment was in subsection (b) and that provision addresses code of ethics violations that are reported to the Commission from members of the public or outside sources. The comments requested that the Commission notify the Chief Administrative Officer of that county within a certain number of days and we agreed with that, it was a good suggestion.

The materials brought forth today adds the language to subsection (b) and says the Commission shall provide notice to the Chief Administrative Officer or the Facility Administrator no later than three working days from the date that a member of the public notifies us of a code of ethics violation.

At this time we ask your approval of this amendment, we'll publish that for an additional 30-day public comment period and hopefully at the next meeting we'll be able to finalize the changes to this section.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner Lopez to approve the amendments to Chapter 349 for final publication in the Texas Register. Motion passed unanimously.

14. Review, Discussion and Possible Action Regarding Disciplinary Action in the State Office of Administrative Hearings' Docket No. 665-10-0815; Texas Juvenile Probation Commission v. Gerald Lee, TJPC Certification No.17320; A Certified Officer (Proposal for Decision and Final Order) – K. Roe

This is a disciplinary action case taken against a certified officer Gerald Lee, and Mr. Lee is here today. The Commission recommended revocation of Mr. Lee's certification as a juvenile detention officer following an incident that occurred at the Harris County Juvenile Detention Center on September 4, 2007 where a resident attempted to commit suicide and was not successful. Harris County conducted an internal investigation of that incident and forwarded to the Commission a report that indicated Mr. Lee had violated some of the agency standards and provisions.

The Commission's Disciplinary Committee reviewed the report and the information provided about Mr. Lee's conduct and recommended revocation of his certification. Mr. Lee contested the request for revocation and a hearing was held before the State Office of Administrative Hearings (SOAH) on March 25, 2010. The Administrative Law Judge Shannon Kilgore then issued a Proposal for Decision on April 21, 2010 where she concluded that Mr. Lee violated a portion of the Texas Administrative Code Chapter § 343.17(1)(G) a part of the Code of Ethics that requires that certified officers be diligent in their responsibility to record and keep accurate information and records regarding juveniles.

The judge issued her Proposal for Decision and both parties were provided the opportunity to file exceptions and neither Mr. Lee nor the agency filed exceptions to Judge Kilgore's Proposal for Decision. The standard of review for this is found in the Administrative Procedure Act § 2001.058(e). The scope of the Commission Board review today is that a state agency may change a finding of fact or conclusion made by the administrative law judge, or may vacate or modify an order issued by the administrative law judge, only if the agency determines:

- (1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies provided under Subsection (c), or prior administrative decisions;
- (2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or
- (3) that a technical error in a finding of fact should be changed.

The agency shall state in writing the specific reason and legal basis for a change made under this subsection. The Administrative Procedure Act also requires that the agency provide notice to Mr. Lee and that was done and he is here today. The Administrative Procedure Act does not dictate any procedure for the Commission Board to follow at this point.

Mr. Lee was asked to limit any comments or questions to this board to those three items that were pointed out by Ms. Roe inasmuch as this board may only take action to modify or vacate the order in those three instances listed above.

It is fair to say that there was a video and that Mr. Lee did ask that the video be displayed. Mr. Lee feels that the video would exonerate him and the video was not shown to the administrative law judge. Instead, a written detailed summary of everything that happened during the 30 minutes or so in question was presented. This summary was made by Mr. Englade, the internal investigator and juvenile probation officer at Harris County.

Mr. Lee said "In this facility you have a clock here and a clock there. And none of the clocks are sequenced including the one on the video that could basically state what time that it actually was, and I want to show that Harris County didn't fulfill its responsibility as giving correct information upon the situation. The timeline is not correct, sir. There are a number of incidents in that video that Harris County did not want to be shown. I spent

three years of my life in that facility. As I said the timeline and the sequences were not what Mr. Englade states happened. Basically what they're saying about the documents."

Initially, there were two different allegations against Mr. Lee, one that the room checks were not conducted on the juvenile within the required period of time, and second, that he falsified the documents. The judge's proposal that the certification be revoked is based on the finding that he falsified the sheet on the door that was to indicate that the room checks had been conducted.

Ms. Roe stated that she believes that Mr. Lee admitted at the hearing that he did fill in and put down times which he had checked on the juvenile and which appeared he really not had done so. The summary showed that they removed the sheet and that Mr. Lee wrote on it. Mr. Lee stated that what he had admitted to was filling out the paperwork as his supervisor requested.

Judge West said he has a problem with relying on a summary by the investigator to make fact findings that are by their very nature dependent on a timeline. Even a falsification of a document, if he signed off on a document, regardless of what seems to be incongruity of being instructed by his supervisor to violate this code of ethics, this video tape may well be the basis upon there has been a finding that he falsified the document and that the document deals with time. If he went back and filled in the sheet afterwards, it's only falsification if the times he filled in were false. And that's where we have the video tape being an essential piece of evidence.

If the Commission were to find that no error had been committed it would mean that Mr. Lee's certification would be revoked, and he would have a right to appeal it in the Travis County District Court for judicial review. And if the Commission concluded that there was a technical error of some interpretation of the law, then the board is free to adopt some finding or conclusions other than that presented by Judge Kilgore, and choose whether or not to remove Mr. Lee's certification. The way the Administrative Procedure Act works in Texas is that this is the final step in the Administrative Procedure, and then either party could file in Travis County for judicial review.

Since the board just received this Proposal for Decision they would like to table this item to the next meeting in order to have more time to review the proposal and find out a little more about these administrative proceedings and how they work.

A **motion** was made by Commissioner Boyd and **seconded** by Commissioner Lopez to table this item to a future board meeting. Motion passed unanimously.

15. Executive Director's Report – V. Spriggs
- Introduction of New Staff
- Agency Activity Update

One staff member resigned to take a position at the University of Texas at Austin School of Social Work and two new staff members were introduced. Both Francisco Mata and Bill Smith are new Programmers in the Management Information Systems (MIS) Unit.

Bill filing has already begun, with 450 bills being filed to date, none of which rise to our level of concern. There were 37 new House members elected during this past election cycle. One of the people voted out of office was Jim McReynolds, the Chairman of the House Corrections Committee. A new Chair is expected to be appointed to that committee and the board will be kept abreast of those developments as they unfold.

We talk about Texas children when we work with the Juvenile Probation Commission. The juvenile probation system represents transparency and limited, effective and responsible government. The best demonstration of this is in the funding that was received during the last legislative session for diversion of commitments to the Texas Youth Commission (TYC). The actual commitment level in fiscal year 2009 was 1,589. The final number for the past fiscal year, fiscal year 2010 was 1,119 significantly lower than last year's actual commitment and much lower than the target number set by leadership, so departments exceeded expectations. We are the best of the best with the state's dollars.

In the Sunset Report which came out yesterday, the present cost of commitments to TYC was reported at \$347.94. The annual cost to commit a child to TYC is \$127,000 a year. The state paid juvenile probation departments \$51,100 per diversion. The total number of youth diverted represents a significant reduction that the state would have had to pay had these youth been committed to TYC.

The Sunset Report recommends that the Juvenile Probation Commission stands alone as a state agency for at least the next 6 years when the next evaluation will be. And they make the same recommendation for TYC.

The bulk of the report is about TYC, but they do mention the success that the county probation departments have had in diverting youth from commitment.

The report shows the sources of the Commission's funding and how funds were expended in fiscal year 2009. Approximately 96% of the Commission's budget supported the operations and programs of local probation departments. The remaining 4% was for Administration, and part of that was because there was a chunk of money in the Juvenile Case Management System (JCMS) program.

In the report: *Issue number 1, Texas has a continuing need for TYC and TJPC but more work is needed to ensure better outcomes for youth.* They talk about major reforms again, all related to TYC, as it relates to overall success of the diversion funding and of course it's too early to tell. We can say that communities are still safe in Texas and there are not untreated youth committing crimes in communities. Otherwise, that would rise to the attention of the courts, local media and we would all know about it.

The Sunset Report sites that out of the 141 departments that accepted the diversion funding, commitments are down by 32%. And counties that did not receive funding also reduced their commitments by 10% because of the emphasis and goal of diverting commitments from TYC.

This report also shows a comparison between fiscal years 2008, 2009 and 2010 with the increasing cost of commitments to TYC. It was \$270 in FY08, \$323 in FY09 and \$347 in FY10. Part of that is the economy, as more kids are diverted, and the infrastructure stays the same, then the costs go up because there aren't kids being treated and the infrastructure is still being maintained. The recommendations are on page 17 of the report, and there is interesting information in the appendices which support the recommendations.

No action was required for this item.

16. Public Comments – R. West

No public comments were received at this time.

17. Adjourn – R. West

A **Motion** was made by Commissioner Boyd and **seconded** by Commissioner O'Grady to adjourn. Motion passed unanimously. The board meeting adjourned at 11:56 a.m. The next board meeting will be held on January 21, 2011.